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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------|------------------------|
| 09/927,102   | 08/10/2001  | Michael Weber-Grabau | SEN-002             | 3815                   |
| 3897   | 7590        | 10/03/2003           | EXAMINER            |                        |
| SCHNECK & SCHNECK<br>P.O. BOX 2-E<br>SAN JOSE, CA 95109-0005 |             |                      |                     | ROSENBERGER, RICHARD A |
|  |             | ART UNIT             |                     | PAPER NUMBER           |
|  |             | 2877                 |                     |                        |

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                     |   |
|------------------------------|-------------------------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b>              | <b>Applicant(s)</b>                     |
|                              | 09/927,102<br>Richard A Rosenberger | WEBER-GRABAU ET AL.<br>Art Unit<br>2877 |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-42 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1201 &amp; 0702</u> | 6) <input type="checkbox"/> Other: _____                                    |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the acknowledged prior art in view of Sato et al (US 5,766,360) and Sun (US 5,940,175).

Scatterometry is a known measurement technique in the art; see the instant specification, pages 4-7.

It is known in the art to provide a measurement station and wafer handling system in conjunction with a process tool to move a wafer being processed to and from the processing tool and measurement station; see both Sato et al and Sun. Sato teaches that the measurement station can perform “various measurements and inspections” (column 6, line 41-42); although Sato et al explicitly discusses measuring and inspecting a thin film, it would have been obvious to make other known inspections or measurements for other type of processing steps by the inclusion of various other known inspection and measurement instruments, including the known scatterometry instruments. Sun shows a means of accessing any point on the wafer by rotating the wafer and moving the measuring head

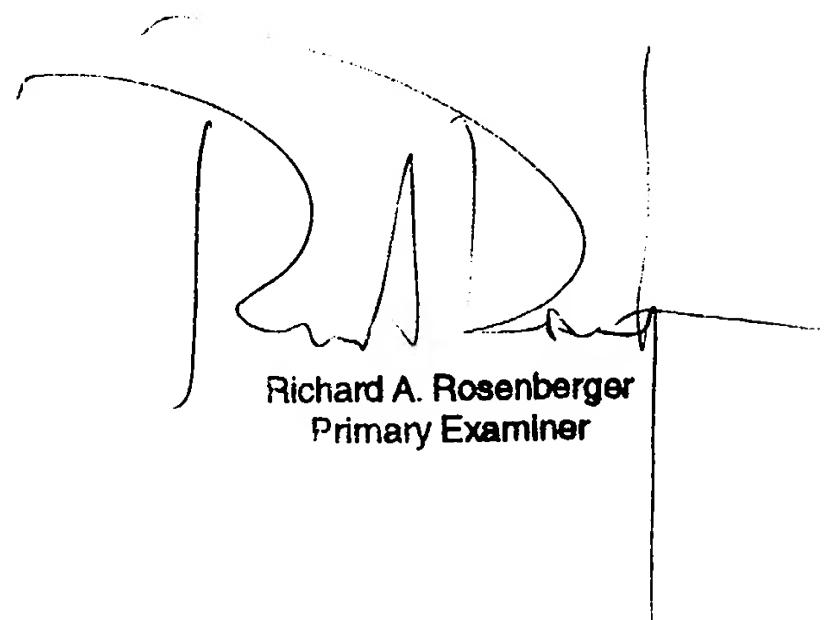
laterally over the wafer; see figure 4, for example. The use of such a known manner of relatively positioning the measuring head and the wafer with other known measuring systems, such as the known scatterometry systems, would have been obvious. Other known means, such as an x-y stage, for this relative movement would have been obvious. Sun also shows a window can be placed between the measurement system and the wafer support to locate the measurement tool itself outside the process tool environment.

3. Papers related to this application may be submitted to Group 2800 by facsimile transmission. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The fax number is (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. A. Rosenberger whose telephone number is (703) 308-4804.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

R. A. Rosenberger  
23 September 2003



Richard A. Rosenberger  
Primary Examiner